

EXHIBIT A

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TSR LLC,

Plaintiff,

v.

WIZARDS OF THE COAST LLC,

Defendant.

No. 2:21-cv-01705-SKV

DECLARATION OF ELIZABETH
M. SCHUH IN SUPPORT OF
WIZARD OF THE COAST LLC'S
MOTION FOR A PRELIMINARY
INJUNCTION

WIZARDS OF THE COAST LLC,

Counterclaim Plaintiff,

v.

TSR LLC; JUSTIN LANASA; and DUNGEON
HOBBY SHOP MUSEUM LLC,

Counterclaim Defendants.

I, Elizabeth M. Schuh declare as follows:

1. I have been employed by Wizards of the Coast LLC ("Wizards") since 1995. My current role is Director of Publishing and Licensing, Dungeons & Dragons, where I am responsible for managing the Dungeons & Dragons brand through the publication of new products and the licensing of previous releases. I have personal knowledge of the facts in this declaration or have acquired this knowledge through my review of records kept in the regular

1 course of business. I am over the age of 18 and competent to testify to the matters stated in this
2 declaration. The statements made below are true to the best of my knowledge and belief.

3 2. In 1997, Wizards purchased TSR, Inc., the company that created, published, and
4 distributed Dungeons & Dragons—the original tabletop role playing game (RPG) that has been
5 enjoyed by millions of players since 1974. TSR, Inc. owned the rights to and produced,
6 advertised, and sold other product lines, including a line of games called Star Frontiers. Wizards
7 considers Star Frontiers part of the Dungeons & Dragons family of RPGs.

8 3. When Wizards acquired TSR, Inc., it acquired all of TSR, Inc.’s intellectual
9 property, including trademarks in the terms “TSR” and “Star Frontiers.” TSR, Inc. formally
10 assigned its U.S. trademark registrations to Wizards, in an assignment recorded with the United
11 States Patent and Trademark Office on December 6, 2000. TSR, Inc. first registered the TSR
12 Mark first under Reg. No. 1242708 and the Star Frontiers Mark under Reg. No. 1245487, through
13 applications in 1982.

14 4. Wizards has continued to this day to use the marks it acquired through its
15 acquisition of TSR, Inc. Dungeons & Dragons, for example, is one of Wizards’ most prominent
16 and well-recognized brands.

17 5. The “TSR” mark (the “TSR Mark”) is a word mark consisting of the letters
18 “TSR”—the business name of the original creator of Dungeons & Dragons and an acronym
19 standing for “Tactical Studies Rules.” “Tactical Studies Rules” is not a term that has meaning
20 aside from the business name. Since acquiring TSR, Inc., Wizards continues to use the TSR
21 Mark originally created and used by its predecessor in interest.

22 6. Wizards has licensed the TSR Mark and the Star Frontiers word mark (the “Star
23 Frontiers Mark”) (collectively, the “Marks”) to OneBookShelf, Inc., which sells older editions
24 of Dungeons & Dragons products bearing the TSR Mark and the Star Frontiers Mark.

25 7. OneBookShelf has sold products bearing the TSR Mark continuously since at
26 least as early as January 2013. Over the past nine years, OneBookShelf has sold hundreds of
27

1 thousands of products bearing the TSR Mark and advertises such products online and through
2 social media.

3 8. OneBookShelf has sold products bearing the Star Frontier Mark continuously
4 since at least as early as November 2017. Over the past five years, OneBookShelf has sold
5 thousands of products bearing the Star Frontiers Mark and advertises such products online and
6 through social media.

7 9. Wizards and its licensees invest heavily in marketing and promoting RPG
8 products including Star Frontiers. For instance, earlier this year, Wizards' parent company
9 Hasbro, Inc. acquired D&D Beyond, the leading digital RPG toolset and Dungeons & Dragons
10 game companion. This acquisition will expand Wizards' RPG offerings, enabling online play
11 and enhancing player experiences. Attached as **Exhibit A** is a true and correct copy of Hasbro's
12 press release announcing the completed acquisition.

13 10. From when this case was filed until the end of July 2022, Wizards believed TSR
14 LLC was not actually selling or distributing games bearing the Marks.

15 11. Wizards is deeply concerned about TSR LLC's Star Frontiers New Genesis
16 product because of its racist, transphobic, and other offensive content. Such a product directly
17 conflicts with Wizards' commitment to diversity and inclusivity in the gaming community.

18 12. Wizards has long embraced an inclusive culture for gaming, including for its
19 Dungeons & Dragons products. Consistent with this philosophy, in June 2020, Wizards
20 published a post on its website detailing some of its efforts to ensure its Dungeons & Dragons
21 products reflect Wizards' values around diversity. In this post, Wizards stated it is updating its
22 descriptions of characters when reprinting older Dungeons & Dragons products to remove
23 racially insensitive material. Wizards also explained that it is increasing its use of sensitivity
24 readers and diversity experts in its creative process to ensure that its storytelling reflects its
25 values. Attached as **Exhibit B** is a true and correct copy of this public post.

26 13. Wizards also alerts players to changes it makes to better foster inclusive gaming.
27 For new character races in Dungeons & Dragons games, Wizards no longer associates particular

1 character races with certain physical characteristics and instead acknowledges a range of physical
2 characteristics for character races. Attached as **Exhibit C** is a true and correct copy of a public
3 post explaining new “creature evolutions.”

4 14. As recently as this month, Wizards released a statement recognizing problematic
5 content within its newest campaign, which contained content adapted from a 1982 version of a
6 game. This illustrates Wizards’ commitment to diversity and to publishing inclusive products.
7 Attached as **Exhibit D** is a true and correct copy of this statement.

8 15. The gaming community, through press and player forums, has noted Wizards’
9 efforts. Attached as **Exhibit E** is a true and correct copy of a sampling of public documents from
10 the media recognizing Wizards’ efforts to promote diversity.

11 16. Tabletop RPG is a growing market, as players look to reconnect with friends in
12 person and online. Wizards considers it to be among its most important product lines.

13 17. Tabletop RPGs are social by design. Players gather with friends to engage in
14 group storytelling, often using a single book or set of books, and it is not unusual for a group
15 playing together to have members with more and less experience. This means consumers may
16 experience Star Frontiers New Genesis without having purchased it directly—for example at a
17 friend’s house or other gathering in a group of players.

18 18. Wizards embraces new players and hopes to encourage their interest in its games.
19 But some consumers may first encounter RPG, or Dungeons & Dragons, through Star Frontiers
20 New Genesis and mistakenly attribute it to Wizards. In addition, not all consumers will be
21 dedicated gamers; some will be especially prone to mistaking the Star Frontiers New Genesis
22 product for one of Wizards’—and assuming that Wizards has published and distributed the
23 offensive racist content in that game.

24 19. Having consumers mistakenly attribute Star Frontiers New Genesis to Wizards
25 will sully Wizards’ reputation and harm its efforts to promote inclusivity in gaming.
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1 I declare under penalty of perjury that the foregoing is true and correct to the best of my
2 knowledge and belief.

3 DATED this 20th day of September, 2022, at Seattle, Washington.

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5 Elizabeth M. Schuh

6 Elizabeth M. Schuh
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